

DIVISION B - COMMERCE, JUSTICE, AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES  
TITLE I  
APPROPRIATIONS, 2003

DEPARTMENT OF JUSTICE

General Administration

Salaries and Expenses

The conference agreement recommends a total of \$100,579,000 for General Administration for fiscal year 2003. This account supports the development of policy objectives and the overall management of the Department of Justice. The recommendation provides inflationary adjustments to maintain the current operating level in fiscal year 2003, and includes an increase of \$2,000,000 as requested for the Office of Intelligence Policy and Review (OIPR) to address the increase in Foreign Intelligence Surveillance Act (FISA) requests. The conferees expect OIPR to provide quarterly briefings to the Committees on Appropriations beginning April 1, 2003 on FISA-related activities, issues, and compliance with Congressional directives. The conferees expect that of the funding being transferred to the Department of Homeland Security from General Administration, that \$3,000,000 shall be used for the chemical plant vulnerability assessments as authorized under Public Law 106-40.

The conferees direct the Justice Department to submit a report to the Committees on Appropriations by June 27, 2003 assessing physical security needs of all domestic and foreign installations. The conferees also direct the Attorney General to submit a report to the Committees on Appropriations no later than June 4, 2003, that includes cost estimates and timelines for developing an International Law Enforcement training academy in Mexico in one of the following states: Chiapas, Durango, Oaxaca, or Yucatan.

The conferees are aware that the Justice Department intends to cap the reimbursement per employee for professional liability insurance (PLI) at \$50, a cut of up to \$65, due to "budget shortfalls". The conferees are unaware of any shortfalls. The Justice Department is directed to reimburse employees for the full amount policy allows for PLI. The Assistant Attorney General for Administration is directed to issue a circular to components to that effect and to confirm by letter, with circular attached, to the Committees on Appropriations that this directive has been implemented.

The conferees are not satisfied with the efforts of the Justice Department and the State Department to repatriate criminal aliens. A recent Supreme Court decision held that criminal aliens cannot be detained indefinitely. The conferees are concerned that

potentially violent criminal aliens will be released into the United States because efforts to repatriate these individuals have been unsuccessful. The conferees therefore include bill language directing the Attorney General to notify the Secretary of State in each instance when a foreign country denies or unreasonably delays, under section 243 of the Immigration and Nationality Act, the repatriation of a criminal alien who is a citizen, subject, national or resident of that country. The conferees believe that this language will equip the Secretary of State and the Attorney General with the legal authority to prevent the release of violent criminal aliens in the United States.

The conferees support the Department's efforts to develop a unified financial management system which will bring the Justice Department into compliance with Federal Financial Management Improvement Act accounting system standards and security requirements. The conferees are aware that the unified financial management system is an eligible purpose for retained earnings in the Working Capital Fund and direct the Justice Department to use \$8,900,000 in retained earnings during FY 2003 for this purpose. The conferees believe that Working Capital Fund retained earnings should be used for specific projects rather than being used to meet recurring costs, such as audit contract expenses.

Consistent with the report submitted to the Committees on Appropriations in May 2002 regarding the number of containers used for storage of classified information, the conference agreement includes necessary sums to continue efforts to replace locks used to store classified information.

The Department is directed to submit a report to the Committees on Appropriations by June 1, 2003 regarding the feasibility of making Foreign Agents Registration Act information available on line to the public, as is data from the Lobbying Disclosure Act.

The conferees remind the Department and its components that the use of recoveries is subject to the requirements included in section 605 of this Act.

The conferees include bill language carried in previous years regarding the position and workyear limits for the Offices of Public Affairs and Legislative Affairs, and include language, carried in previous years, which (1) makes up to \$3,317,000 of this appropriation available until expended for the Departmental building, renovation, maintenance, and security needs; (2) specifies the amount of funding provided for the Department Leadership Office; and (3) authorizes the Attorney General to transfer

property to state or local government agencies to support community-based health and safety programs.

## Joint Automated Booking System

The conference agreement includes \$15,973,000 for the continued deployment of a Joint Automated Booking System (JABS). The conferees have not adopted the Administration's request to combine JABS activities with the ongoing integration of the Immigration and Naturalization Service's IDENT fingerprint system with the Federal Bureau of Investigation's IAFIS fingerprint system (IDENT/IAFIS). Funding for IDENT/IAFIS activities is provided under a separate account. The conferees expect JABS incentive funds to be distributed to the component or components making the best progress in installing and operating the system.

This funding level enables Justice Department law enforcement components -- the U.S. Marshals Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Bureau of Prisons -- to share arrest information using a common information technology platform. The Immigration and Naturalization Service, now part of the Department of Homeland Security (DHS), is directed to continue participating in JABS. The Attorney General and the Secretary of Homeland Security shall submit a report to the Committees on Appropriations by June 27, 2003 to determine if other DHS law enforcement components should participate in JABS. The report should include expected operations and maintenance

costs, and an assessment of whether state and local law enforcement agencies should have access to JABS. JABS is a secure information system that has automated the booking process, allowing law enforcement agencies to electronically share criminal data to improve criminal identification response times and avoid duplication of booking data entry.

## Automated Biometric Identification System/Integrated Identification System Integration

The conferees recommend \$9,000,000 for continued integration of the FBI Automated Biometric Identification System and the INS Integrated Automated Fingerprint Identification Systems (IDENT/IAFIS). As noted previously, the conferees do not adopt the Administration's request to establish an Identification Systems Integration account. Of the amount provided, \$1,000,000 is for a pilot program for software for IAFIS that is capable of expedited background checks and that is capable of ten fingerprint to less than ten fingerprint comparisons. This funding level will enable IDENT/IAFIS to be deployed to additional sites, and will provide other refinements to, and planning for, the system. The Department of Justice, in cooperation with the Department of Homeland (DHS), is directed to provide a cost and operational effectiveness analysis, complete with implementation milestones, to the Committees on Appropriations by June 27, 2003. This report should determine if other DHS law enforcement components should participate in this ongoing integration effort.

## Legal Activities Office Automation

The conference agreement includes \$15,942,000 in direct appropriations for Legal Activities Office Automation (LAOA). In addition, the conferees direct that an additional \$61,185,000 be derived from a transfer from the Working Capital Fund, to provide a total of \$77,127,000 for LAOA activities.

This account centrally funds the acquisition, deployment, and maintenance of Legal Activities Office Automation (LAOA) systems, the largest components of which are the Justice Consolidated Network and the Justice Consolidated Office Network.

Funding provided supports ongoing computer modernization programs for the legal divisions, including the Antitrust Division, the Executive Office for Immigration Review, the Community Relations Service, and General Legal Activities. This year, the conference agreement directs that the Bureau of Prisons and Office of Justice Programs begin efforts to migrate onto this network.

The conference agreement includes bill language to provide for expenses related to design, development, engineering, acquisition, and implementation of office automation systems. The recommendation also includes language modified from language carried in previous Appropriations acts regarding the list of participating

components.

## Narrowband Communications

The conference agreement includes a total of \$101,757,000 for Narrowband Communications, including direct appropriations of \$81,354,000 and \$20,403,000 in recoveries. The conferees note that \$68,043,000 remains unobligated in this account from prior year appropriations, and that funds for new and replacement radios and related costs are also provided in the modular costs allotted to each of the law enforcement components. New bill language is included directing the Attorney General to transfer these modular costs to the Narrowband account to ensure that funding provided for radios is not diverted for other uses.

The conferees expect the Department to continue implementation of a consolidated, interagency Justice Wireless Network (JWN) to meet component needs and improve wireless capabilities, as such an approach will enhance interoperability and reduce costs associated with narrowband conversion. Amounts provided will be used to continue implementation of the JWN, operate and maintain legacy systems, expand the use of commercial services, and support the Wireless Management Office (WMO). The conferees continue to expect the Department to accommodate narrowband requirements without significant additional new resources. The conferees direct the WMO to continue to submit status reports to the Committee as

directed in Public Law 106-553, to include an operational plan for expenditure of funds.

The Department shall provide a report to the Committees on Appropriations by June 27, 2003 regarding the use of radios and any deficiencies noted by Justice law enforcement components during the events of September 11, 2001. The conferees continue to support extensive efforts underway at the Office of Justice Programs regarding the interoperability of State and local law enforcement radios. The Department is directed to determine, in coordination with the National Institute of Justice, if there are interoperability solutions that have been developed for state and local law enforcement that could be applicable to Federal law enforcement communication needs. No funding is provided under this account for the Public Safety Wireless Information Network (PSWIN). Instead, the conferees expect the Department's participation in the PSWIN program and Project SAFECOM to be funded within the resources provided under the Office of Justice Programs, after consultation with the Committees on Appropriations.

The conferees recommend bill language, as carried in previous years, regarding the costs of conversion to narrowband communications, and the costs of operating and maintaining land mobile radio legacy systems.

## Counterterrorism Fund

The conference agreement includes \$1,000,000 for the Counterterrorism Fund to cover extraordinary costs associated with a terrorist threat or incident. This level, when combined with current unobligated balances and recoveries of \$49,281,000, ensures a total level of \$50,281,000 for fiscal year 2003.

The Counterterrorism Fund was established in the 1995 Supplemental Appropriations Act after the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, and is under the control and direction of the Attorney General. These funds may be used to reimburse any Department of Justice organization for the costs incurred from the reestablishment of an office or facility damaged or destroyed as a result of a domestic or international terrorist incident, and to cover extraordinary expenses necessary to counter, investigate, or prosecute domestic or international terrorism activities. The Attorney General is required to notify the Committees on Appropriations in accordance with section 605 of this Act prior to obligation of any funds from this account.

The conferees recommend bill language, carried in previous Appropriations acts, which makes funds available: (1) for costs incurred in reestablishing the operational

capacity of an office or facility damaged or destroyed by a terrorist incident; and (2) for support to counter, investigate, or prosecute terrorism, including payments of rewards and detention costs in connection with these activities.

## Administrative Review and Appeals

The conference agreement includes \$191,535,000 for Administrative Review and Appeals. Of the total amount provided, \$189,713,000 is for the Executive Office of Immigration Review (EOIR), and \$1,822,000 is for the Pardon Attorney. This level includes an increase of \$8,000,000 to address the growing immigration judge workload as a result of increases in Immigration and Naturalization Service enforcement activities.

The Attorney General is directed to submit a report to the Committees on Appropriations by April 30, 2003, regarding the implementation of the changes to the Bureau of Immigration Appeals process announced by the Attorney General August 23, 2002.

This appropriation supports the EOIR, which includes the Board of Immigration Appeals, Immigration Judges, and Administrative Law Judges who decide through administrative hearings on the admission or exclusion of aliens seeking to enter the country, and the transportation and adjustment of status of aliens whose status has been challenged; and the Office of the Pardon Attorney, which receives, investigates and considers petitions for all forms of Executive clemency.

## Detention Trustee

The conference agreement includes \$1,366,591,000 for the Federal Detention Trustee. This amount includes transfers of \$592,985,000 from the Immigration and Naturalization Service and \$773,606,000 from the Federal Prisoner Detention account. Within 45 days of enactment of this Act, the Trustee is directed to report to the Committees on Appropriations regarding the appropriateness of transferring to the Trustee any U.S. Marshals Service and Immigration and Naturalization Service personnel involved in procuring detention space.

The conferees are aware that a number of States have excess prison capacity. Therefore, the Detention Trustee is directed to use existing State prison capacity if it meets Federal standards and is cost effective. In addition, the conferees direct the Detention Trustee, in collaboration with the Bureau of Prisons and the Office of Justice Programs, to submit a plan to the Committees on Appropriations by April 30, 2003, to evaluate the health and safety of Federal prisoners in non-Federal institutions. The conferees also urge the Detention Trustee to continue its efforts with the Federal Judicial Center regarding alternatives to detention.

The recommendation also includes \$1,000,000 for development of the National Repository. The conferees direct the Department's Chief Information Officer to assist the Detention Trustee in establishing this clearinghouse as quickly as possible. The Committees on Appropriations expect to be regularly briefed on progress in establishing this repository.

The Detention Trustee shall report to the Committees on Appropriations regarding its aircraft replacement procurement strategy not later than 180 days after enactment of this Act.

Section 114 of Public Law 106-113 directs that health care services provided for individuals in the custody of the U.S. Marshals Service (USMS) and the Immigration and Naturalization Service (INS) shall not exceed the lesser of the amount that would be paid for a similar service under Medicare and Medicaid. The conferees direct the Detention Trustee to review the impact that this language has had on the delivery of health care services. The review shall include: (1) an analysis of the cost of providing health care to individuals in USMS and INS custody of the Federal Prison System, including transportation and security costs; (2) the impact section 114 has had on the availability of the health care services throughout the country to individuals in the custody of the Department; and (3) any recommended changes to

USMS, INS, FPS policies to ensure that individuals in the custody of the Department have access to necessary health care services at affordable rates. The conferees expect that the study will be funded by the affected components. The Detention Trustee shall submit its review to the Committees on Appropriations no later than 180 days after the enactment of this Act.

The conferees include bill language, modified from the request, which provides for the transfer of funding from the Detention Trustee to the USMS or to the Immigration Enforcement and Border Affairs account. The Committee also (1) recommends language carried in previous years regarding the authorities of the Detention Trustee; (2) modifies language previously carried regarding the construction of detention facilities; (3) provides that unobligated balances available in prior years from funds appropriated to the Federal Prisoner Detention account be transferred to the Detention Trustee account; and (4) directs that the Detention Trustee and the Bureau of Prisons develop a plan for evaluating the health and safety of Federal prisoners in non-Federal facilities.

## Office of Inspector General

The conference agreement includes \$57,937,000 for the Office of Inspector General. The recommended level includes a \$2,000,000 increase to address additional responsibilities resulting from P.L. 107-56.

The Office of Inspector General conducts and supervises audits and investigations relating to the programs and operations of the Department of Justice, and keeps the Attorney General and Congress informed about problems and deficiencies relating to the administration of such programs and activities. As the Nation's chief law enforcement agency, it is essential that the motives and actions of the Justice Department be above reproach. The conferees urge the Inspector General to be sensitive to such concerns and to continue to ensure the integrity and fairness of Justice Department management processes and Federal law enforcement efforts.

The conference agreement includes bill language providing up to \$10,000 to meet unforeseen emergencies and for the acquisition and operation of motor vehicles.

## United States Parole Commission

salaries and expenses

The conference agreement includes \$10,488,000 for the U.S. Parole Commission for fiscal year 2003.

The Commission is an independent body within the Department of Justice that makes decisions regarding requests for parole and supervision of Federal and District of Columbia (D.C.) Code prisoners. As a result of legislation that established sentencing guidelines, the Parole Commission is phasing down its Federal operations. In August 1998, the Commission assumed jurisdiction over D.C. felony prisoners and D.C. Code parolees. When the D.C. Board of Parole ceased to exist, the Commission inherited a parole revocation caseload with a significant backlog of warrant requests and revocation hearings. In a May 2002, report to the Committee, the Attorney General reported that the Commission is responsible for conducting hearings and making parole decisions for over 3,000 Federal inmates; supervising about 4,000 Federal offenders currently on parole; and rendering parole revocation decisions for nearly 1,000 Federal offenders every year. The Commission also

conducts hearings and adjudicates parole decisions for more than 7,000 eligible D.C. offenders who committed their crimes before August 5, 2000.

## Legal Activities

### Salaries and Expenses, general legal activities

The conference agreement includes \$611,325,000 for General Legal Activities for fiscal year 2003. This appropriation supports the Attorney General through the establishment of litigation policy, conduct of litigation, and various other legal responsibilities. The distribution of funding provided is as follows. The conferees remind the legal divisions that changes to these levels are subject to section 605 requirements in this Act.

GENERAL LEGAL ACTIVITIES	
[In Thousands of Dollars]	
	2003 appropriation
Solicitor General	\$7,706
Tax Division	75,520
Criminal Division	129,766
Civil Division	207,718
Environment and Natural Resources	70,814
Office of Legal Counsel	5,474
Civil Rights Division	105,099
Interpol-USNCB	8,862
Office of Dispute Resolution	366
Total	<u>\$611,325</u>

Criminal Division.--The conference agreement provides a total of \$129,766,000, 810 positions and 822 workyears for the Criminal Division, to address cyber-terrorism,

foreign legal assistance, foreign counterintelligence, and white collar crime. The Criminal Division is directed to submit a report to the Committee by May 2, 2003, on the \$4,800,000 enhancement provided in Public Law 107-117 to coordinate international legal activities related to the September 11, 2001 terrorist attacks.

Civil Division.--The recommendation provides a total of \$207,718,000, 1,042 positions and 1,063 workyears for the Civil Division. Included in this amount is an increase of \$10,000,000 for administrative expenses associated with the September 11<sup>th</sup> Victim Compensation program. The conferees direct the Office of the Special Master and the Civil Division to submit a report to the Committee by July 7, 2003 containing an update on the status of awards provided from the September 11<sup>th</sup> Victims Compensation Fund.

The conferees include bill language carried in previous Appropriations acts allowing the Attorney General to provide additional resources to the Civil Division, if emergent circumstances warrant, through transfers of funds from other Department of Justice sources. The conference agreement includes \$23,388,000 in funding available to the Department through the Working Capital Fund for the requested tobacco and other litigation activities. The conferees also include \$1,996,000 for administrative expenses associated with the Radiation Exposure Compensation Act

(RECA) of 1990, as amended. This program was established, in accordance with RECA, to permit the payment of claims to individuals exposed to radiation as a result of atmospheric nuclear tests and uranium mining. Previously, these funds had been appropriated under a separate account. New language is included in this bill reflecting that funding is now being provided under the Civil Division. The conferees expect the Civil Division to absorb any additional requirements for processing RECA claims from other resources available to the Civil Division.

The conferees do not include requested programmatic increases for the Commercial Litigation section. Any additional requirements may be covered within existing resources through the regular reprogramming process. The funding level recommended for the Civil Division includes the requested reduction of \$1,762,000, reflecting improvements achieved as a result of the Torts Litigation Division's use of automated litigation support.

Civil Rights Division.--The conferees include \$105,099,000, 753 positions and 755 workyears, the full amount requested, for the Civil Rights Division to enforce voting rights, disability rights, and other civil rights policies.

Trafficking.--An estimated 1 to 2 million people are trafficked each year worldwide, with women and children making up at least 700,000 of this total. It is estimated that 50,000 of these women and children are trafficked into the United States annually by crime rings and loosely connected criminal networks. The Department of Justice is directed to provide a report to the Committees on Appropriations by May 9, 2003, regarding the Department's litigation and law enforcement efforts to combat trafficking in persons.

Courtroom technology.—The amounts provided include \$5,200,000 for courtroom technology to be distributed among the divisions on the basis of need.

The conference agreement includes bill language, similar to that included in previous fiscal years, which: (1) allows up to \$20,000 for expenses of collecting evidence; (2) makes up to \$10,000,000 for litigation support contracts available until expended; (3) makes up to \$1,000 available to the INTERPOL-USNCB for reception and representation expenses; and (4) allows the Attorney General to transfer funds to address emergent circumstances in the Civil Division. The conferees also recommend bill language, included in previous Appropriations acts under a separate heading, for administrative expenses in accordance with RECA. The

recommendation does not include requested bill language making a portion of funds for certain activities available until expended.

the national childhood vaccine injury act

The conference agreement includes a reimbursement of \$4,028,000 for fiscal year 2003 from the Vaccine Injury Compensation Trust Fund to cover the Department of Justice's expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986.

## Salaries and Expenses, Antitrust Division

The conference agreement provides \$133,133,000 for the Antitrust Division as proposed by the Senate, instead of \$134,295,000 as proposed by the House. This amount will be offset with Hart-Scott-Rodino fee collections, regardless of the year of collection, resulting in no direct appropriations.

The Conferees understand that due to changes in the Hart-Scott-Rodino fee structure and a reduction in merger activity that the number of pre-merger filings requiring review declined by 76 percent between fiscal year 2000 and fiscal year 2002. In light of this decline in filings, the Conferees direct the Antitrust Division to submit a financial and performance plan to the Committees on Appropriations within 60 days of enactment of this Act. The plan shall outline how the Division intends to vigorously enforce our nation's antitrust laws.

## Salaries and Expenses, United States Attorneys

The conference agreement provides \$1,503,767,000 for the U.S. Attorneys. This appropriation supports the Executive Office of U.S. Attorneys and the 94 U.S. Attorneys Offices, which serve as the principal litigators for the U.S. Government for criminal, civil, and debt collection matters.

Corporate Fraud.— To aggressively prosecute cases of corporate fraud, the conference agreement includes an increase of \$13,000,000 to support the Justice Department's Corporate Fraud Task Force.

Intermodal Security Pilot Project.--The conferees recommend \$5,000,000 for Project Seahawk, an Intermodal Security pilot project, to be coordinated by the Office of the U.S. Attorneys. The U.S. Attorneys are directed to provide a spend plan to the Committees on Appropriations not later than March 15, 2003.

Legal Education.—The conference agreement provides \$18,842,000 for legal education and distance learning at the National Advocacy Center (NAC), and if merited, the NAC may expand or include antiterrorism, cybercrime and financial

investigation classes. The conferees also include an increase of \$6,000,000 to expand distance learning capabilities at the NAC.

U.S. Attorneys Anti-Terrorism Task Forces.— The conferees note that the Joint Terrorism Task Forces, which were established in 1980 and have since grown to be active in each of the 56 FBI field offices, include representatives of local, State, and Federal law enforcement, including U.S. Attorneys, as well as other relevant participants from each community. The conferees believe that the Joint Terrorism Task Forces should play the lead Federal coordinating role with respect to multi-agency counterterrorism efforts, and that the U.S. Attorneys should continue to participate in these Task Forces rather than maintain a separate set of U.S. Attorneys task forces.

Violent crime task forces.—The conference agreement includes an additional \$1,500,000 within available resources to continue and expand task force activities associated with Operation Streetsweeper.

Cybercrime and Intellectual Property Enforcement.--Twenty-five percent of the software produced in the United States has been copied illegally in violation of U.S. copyright laws. The estimate of lost revenue to such industries exceeds \$300 billion

annually. Therefore, the agreement includes \$10,000,000 for the continued pursuit of Federal copyright law violations and software counterfeiting crimes. The U.S. Attorneys shall report to the Committees on Appropriations by April 30, 2003, on the number, type and location of copyright prosecutions undertaken in the preceding year, including those under Public Law 105-147.

The conferees also include bill language, similar to that included in previous fiscal years, which: (1) makes up to \$2,500,000 for debt collection purposes available through fiscal year 2004; (2) makes available up to \$8,000 for official reception and representation expenses; (3) makes up to \$10,000,000 for automated litigation support contracts available until expended; (4) provides not to exceed \$2,500,000 for the operation of the National Advocacy Center to remain available until expended; and (4) specifies the number of positions and workyears provided for the United States Attorneys.

## United States Trustee System Fund

The conference agreement provides \$155,736,000 for the United States Trustees, to be funded entirely from offsetting collections, instead of \$159,161,000 as proposed by the House and \$150,381,000 as proposed by the Senate. The Conferees understand that this account has \$5,399,000 in prior year unobligated balances previously appropriated to the Trustee. The Conferees direct that these balances be used to offset this account's fiscal year 2003 operational requirements.

The conference agreement includes \$750,000 for the Bankruptcy Training Center at the National Advocacy Center, in support of the Trustees' continuing education program.

Salaries and expenses, foreign claims settlement commission

The conference agreement includes \$1,136,000 for the Foreign Claims Settlement Commission for fiscal year 2003.

The Commission settles claims of American citizens arising out of nationalization, expropriation, or other takings of their properties and interests by foreign governments.

~~U.S.~~ MARSHALS SERVICE

(United States)

SALARIES AND EXPENSES

(3)

The conference agreement includes \$680,474,000 for this account, instead of \$684,174,000 as provided by the House and \$673,146,000 as provided by the Senate.

The conference agreement does not include the table included in the Statement of Managers accompanying the Senate bill. However, the Marshals are directed to submit a spend plan to the Committees on Appropriations by March 30, 2003 for this account that is as detailed as the Senate table. The conference agreement includes \$3,300,000 for Electronic Surveillance Unit [ESU] recurring costs, \$1,000,000 for hand/leg cuffs, and \$10,015,000 for special assignments.

Warrant Information Network. The conference agreement includes not less than \$2,766,000 (excluding a \$500,000 transfer from the Justice Detainee Information System) for the Warrant Information Network and subscriptions to various networks and on-line systems. The Marshals, with assistance from the Justice Department's Chief Information Officer, are expected to implement the recommendations included the Justice Department's Inspector General report (03-03) concerning the Marshal Network and the Warrant Information Network.

Protection of the Judicial Process. The conference agreement transfers \$15,800,000 for 106 senior Deputy U.S. Marshals [DUSMs] from the "Court Security" account in title III to this account. The conferees expect DUSMs and physical security experts to regularly

survey courthouses and make security recommendations to the courts and the Committees on Appropriations. In addition, the agreement provides \$5,650,000 for 40 additional personnel and equipment, as requested, for the protection of the Judiciary for high threat trials. In addition, the agreement includes \$2,259,000 for 18 positions to be allocated to those districts with the highest priority needs.

Courthouse security equipment. The conference agreement includes \$12,061,000 for security equipment, furnishings, relocations, and telephone systems and cabling to improve security at the most ill-equipped courthouses. The distribution of these funds shall be described in the aforementioned spend plan.

Fugitive apprehensions. The conference agreement includes increases over the fiscal year 2003 request of \$2,268,000 to fully annualize the two existing fugitive task forces, \$2,916,000 to establish two additional centrally-managed fugitive task forces in the heartland, and \$2,750,000 for ESU personnel, training, and equipment.

Other. The conference agreement also includes increases over the fiscal year 2003 request of \$1,715,000 to establish a permanent Marshals Service presence in Jamaica, the Dominican Republic, and Mexico and \$10,424,000 for vehicles. The conferees encourage the USMS to minimize the financial burden of Federal court security on State and local jurisdictions to the degree possible.

## CONSTRUCTION

The conference agreement includes \$15,126,000 for this account.

*Construction engineering consultants.*--The Committee is aware that the Marshals have been using funds allocated by Congress for consulting services on construction projects to pay the federal salaries of nine permanent employees hired in fiscal year 2000. Apparently, this diversion of funds was prompted by confusion over terms and dollar amounts used by the Marshals and Congress. The Conferees expect the salaries of permanent employees to be paid out of the "Salaries and Expenses" account. The Marshals are directed to report on the proper execution of the construction engineering funds not later than 30 days after enactment of this Act.

*Billings, MT.*--The funds provided for construction for Bilings shall only be available to renovate the Marshals Service space, including designated prisoner movement and holding areas, in the existing federal courthouse, space previously occupied by the Bureau of Indian Affairs. No other proposals are to be considered.

## JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

The conference agreement includes \$14,000,000 for this account, instead of \$77,694,000 as provided by the Senate and nothing provided by the House. These funds shall be used for the purchase of a modern, fuel-efficient, wide-body replacement aircraft and spares.

fees and expenses of witnesses

The conference agreement includes \$175,645,000 for Fees and Expenses of Witnesses for fiscal year 2003. This appropriation, which is considered mandatory for scorekeeping purposes, provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses, mental competency examinations, and witness/informant protection. Funds are also used to provide private counsel to pay certain legal expenses of Federal employees. This year, the conferees also include the costs associated with the U.S. Marshals Service Witness Protection Program.

The conferees include new bill language regarding the Witness Protection Program, and include language from previous Appropriations acts which allows: (1) up to \$6,000,000 for protected witness safesites; (2) up to \$1,000,000 for the purchase and maintenance of armored vehicles for prisoner transportation; and (3) up to \$5,000,000 for installation and operation of a secure automated network.

## Salaries and expenses, Community Relations Service

The conference agreement includes \$9,474,000 for the Community Relations Service for fiscal year 2003. The agreement continues a provision that allows the Attorney General to transfer up to \$1,000,000 from funds made available to the Department of Justice to this account, thereby providing for a total funding level of up to \$10,744,000.

The Community Relations Service was established by Title X of the Civil Rights Act of 1964 to provide assistance to communities in resolving disagreements arising from discriminatory practices.

The conference agreement includes bill language, identical to that included in previous years, which allows the Attorney General to provide additional resources for the Community Relations Service, if emergent circumstances exist, through the transfer of funds from other Department of Justice programs, and subject to the requirements of section 605 of this Act. The conference agreement also includes modified language, as requested, clarifying the definition of the activities of the Community Relations Service.

## Assets Forfeiture Fund

The conference agreement includes ~~\$22,949,000~~ <sup>(121,901,000)</sup> for the Assets Forfeiture Fund for fiscal year 2003.

This account provides funds for additional investigative expenses of the FBI, DEA, and USMS, such as purchase of evidence, equipping of conveyances, and investigative expenses leading to seizure. Funds for these activities are provided from receipts in the Assets Forfeiture Fund resulting from the forfeiture of assets. Expenses related to the management and disposal of assets are also provided from these receipts in the Assets Forfeiture Fund by a permanent indefinite appropriation.

## Interagency Law Enforcement

## Interagency Crime and Drug Enforcement

The conference agreement includes \$372,131,000 for Interagency Crime and Drug Enforcement (ICDE) for fiscal year 2003. The ICDE program was created in 1982 to ensure a coordinated, multi-agency approach to attacking and dismantling high-level drug enterprises. Through its nine regional task forces, the ICDE program utilizes the combined resources and expertise of its 11 Federal agency members, in cooperation with State and local investigators and prosecutors, to target and destroy major narcotics trafficking and money laundering organizations. Amounts provided reimburse Department of Justice components for their costs to participate in ICDE task forces. Additional funding for non-Justice Department agencies' participation in ICDE is provided in other Appropriations acts. It is expected that the Immigration and Naturalization Service will continue to participate in this effort.

The table below reflects funding levels for each of the components. The Justice Department is reminded that changes to these levels are subject to section 605 of this Act.

REIMBURSEMENT BY AGENCY			
[In Thousands of Dollars]			
	POS	FTE	Amount
DEA	<del>1,058</del>	<del>1,029</del>	135,485
FBI	912	912	118,334
INS	117	117	16,345
U.S. Marshals Service	13	13	2,109
U.S. Attorneys	895	851	91,993
Criminal Division	<del>10</del>	<del>10</del>	2,078
Tax Division	10	8	982
Administrative Office	12	12	4,805
Total	<del>3,170</del>	<del>3,024</del>	372,131

1,176) 1,076)  
 18) 3,153 14) 3,003  
 The conferees have communicated concerns with regard to the ability of Federal law enforcement to maintain a strong focus on combating illegal drugs following the FBI's shift of some 567 agents away from drug investigations. The Committees on Appropriations approved the FBI's restructuring, and at the same time requested a comprehensive plan to ensure that all of the resources available to the Department of Justice to fight illegal drugs are deployed in priority locations. The Committees later approved a proposal by the DEA to shift 100 of its agents and support staff in response to the withdrawal of FBI agents. The Committee commends the DEA for taking this action. However, the Committee has yet to receive a comprehensive drug strategy from the Department, and urges submission of this plan without further delay.

The conference agreement includes an increase of \$15,000,000 for the Drug Enforcement Administration for their participation in task force operations. The conferees commend the management of this program for emphasizing a strong focus on disrupting and dismantling the major drug trafficking organizations, and expect that this infusion of DEA agents and support staff will further enhance these efforts. The conferees also include an increase of \$6,050,000 for needs associated with OCDETF wiretap investigations generated by the DEA's Special Operations Division, and an increase of \$724,000 for the U.S. Attorney's to establish an electronic surveillance tactical group to assist U.S. Attorney's offices in conducting electronic surveillance. To further the Justice Department's ability to investigate the links between illegal drugs and terrorism, an increase of \$3,000,000 is provided for additional financial investigative training and support.

The conferees include bill language, similar to that included in previous Appropriations acts, which: (1) allows for inter-governmental agreements with State and local law enforcement agencies; (2) makes \$50,000,000 available until expended; (3) allows funds to be used under existing authorities available to participating organizations; and (4) allows the Attorney General to reallocate unobligated balances among participating organizations, subject to the reprogramming procedures described in Section 605 of this Act.

## Federal Bureau of Investigation

### Salaries and Expenses

The conference agreement includes \$4,234,587,000 for the Federal Bureau of Investigations (FBI) salaries and expenses account for fiscal year 2003. This level provides programmatic increases totaling \$491,281,000 to support the FBI's core missions of counterterrorism, counterintelligence, and cybercrime. The conferees also include increases to combat violent crime and white collar crime, and for much needed information technology enhancements. In addition to the amounts provided to the FBI in this account, the conferees have included bill language and additional funding to establish a new account, the Foreign Terrorist Tracking Task Force (FTTTF).

The following distribution represents the conference agreement. The conferees remind the FBI that changes in this distribution are subject to the reprogramming requirements in section 605 of this Act.

**FBI SALARIES AND EXPENSES**  
**[In Thousands of Dollars]**

Activity	<u>POS</u>	<u>FTE</u>	<u>Amount</u>
Criminal, Security and Other Investigations			
Organized Crime Enterprises	4,223	4,224	567,085
White Collar Crime	4,120	3,978	516,326
Other Field Programs	11,419	10,892	1,678,963
Subtotal, Criminal, Security and Other Investigations	19,762	19,094	2,762,374
Law Enforcement Support			
Training and Recruitment	930	912	140,089
Forensic Services	789	724	204,434
Information Technology	377	344	257,117
Technical Field Support and Services	669	625	408,040
Criminal Justice Services	1,902	1,913	208,698
Subtotal, Law Enforcement Support	4,667	4,518	1,218,378
Program Direction and Administration	2,018	1,967	253,835
Total, Direct Appropriations	26,447	25,579	4,234,587

Specific funding increases are provided as follows:

Counterterrorism and Counterintelligence.—The conference agreement includes increases of \$181,431,000 to bolster counterterrorism and counterintelligence activities of the FBI. Of this, an increase of \$20,000,000 is provided for intelligence analysts and associated equipment and support; and an increase of \$5,000,000 is to be transferred from the FBI to the DEA's Special Operations Division (SOD) to ensure continued collaboration on SOD activities. The FBI is expected to

reinvigorate its participation in this multi-agency task force in order to strengthen the Justice Department's ability to investigate links between the sale of illegal drugs and terrorism. The conferees also include an additional \$38,246,000 for NIPC, including \$17,221,000 to fund phase II of a three-phase research and development initiative being run by the Special Technologies & Applications Unit. The conferees fully expect the STAU to have occupied 4,000 square feet recently made available at its new location in Virginia not later than March 31, 2003. To ensure that these resources are completely integrated with other information technology improvement programs underway at the FBI, the FBI Chief Information Officer is directed to review all ongoing information technology products and activities of the cyber division, including the National Infrastructure Protection Center, to ensure that activities underway are commensurate with the mission of the FBI, and that the products and techniques being developed are shared with the FTTTF and other law enforcement agencies, as appropriate. Finally, the conference agreement includes \$6,804,000 to expand the polygraph program.

Joint Terrorism Task Forces.—The conference agreement includes an increase of \$20,000,000 for the Joint Terrorism Task Forces (JTTF) which have been successful in enhancing the coordination of law enforcement at state, local and Federal levels. The conferees, while supportive of the concept of the JTTFs, want to ensure that

these efforts complement and do not duplicate other counterterrorism efforts underway at the Department. Toward that end, the Bureau is directed to submit a report to the Committees on Appropriations that includes a thorough discussion of JTTF caseload over the last five years by type (domestic/foreign), offense(s), and disposition (referred for prosecution, prosecuted, convicted, etc.) on a task force by task force basis. The report should also include an explicit discussion of threats in existing or proposed JTTF locations. The report shall be delivered not later than April 30, 2003.

Trilogy.--To date, the Committees on Appropriations have provided the FBI with \$457,800,000 for Trilogy, the FBI's three year information technology upgrade plan. Funding of \$237,000,000, \$132,000,000 more than requested, was provided in Public Law 107-117 to complete the three-year funding stream in two years and to hasten deployment. The conferees continue to urge the FBI to deploy Trilogy as quickly as possible while ensuring the integrity of the program. The fiscal year 2003 level includes an additional \$8,000,000 as requested for Trilogy contractor support. The Bureau shall continue to provide quarterly status reports to the Committees on Appropriations regarding Trilogy implementation. In addition, the FBI CIO is directed to submit a plan to the Committee by March 31, 2003 for reviewing all of the FBI's some 40 plus databases, with the goal of removing applications that have

outlived their usefulness in order for the FBI to concentrate resources on the highest priority information technology needs.

Information Technology Infrastructure.—In addition to the increase provided for Trilogy, the conference agreement provides increases of \$126,776,000 to continue efforts to provide the FBI with the most modern, efficient and effective information technology tools to enable it to prevent terrorist acts and further other critical priorities, including counterintelligence and cybercrime. Within this amount, the following increases are provided: \$50,300,000 for investigative data warehousing; \$11,000,000 for collaborative capabilities; \$10,000,000 for digital storage and retrieval of documents from counterterrorism investigations; \$17,444,000 for mainframe upgrades and continuity of operations at FBI headquarters; and \$3,032,000 for secure video teleconferencing. The agreement also includes an increase of \$5,000,000 for data mining. The conferees are concerned that data mining efforts underway at the FBI, the DEA and the Foreign Terrorist Tracking Task Force are not being coordinated or exploited to the fullest extent possible. Toward that end, the Justice Department is directed to provide a report to the conferees by June 13, 2003 on efforts to ensure that these efforts are complimentary, and not duplicative, both from a technological standpoint, and a law enforcement perspective. The conferees remain committed to providing the FBI with adequate

resources to ensure that its information technology infrastructure enhances its ability to prevent or investigate acts of terrorism and other crimes for which it has responsibility. Toward that end, the conferees have provided an additional \$30,000,000 above the request for emergent information technology needs. These funds are made available to the FBI subject to the submission of spend plans pursuant to section 605 requirements of this Act.

Information Technology Report.--The Committees on Appropriations have provided the FBI with significant increases for information technology. To ensure that this funding is being centrally coordinated in order to provide the greatest return on investment, the conferees expect the FBI to provide an updated information technology report. This report shall include a complete listing of all information technology projects; the stage of each project's development and deployment; base funding for each project, to include all sources of funding; the fiscal year 2002 and 2003 funding level of each project; and the outyear cost projections for each project, including recurring requirements for operations and maintenance of these systems. This report should also include a plan for ensuring regular technology refreshment replacement cycles, as well as estimated costs for these needs. This report is to be submitted to the Committees on Appropriations by July 21, 2003.

Internet café.--The conference agreement includes \$3,620,000 for Internet café. A combination of a virtual private network and the electronic equivalent of a mail drop, Internet café will allow the FBI to establish a very low cost secure network that parallels Trilogy and protects it from penetration. The Bureau shall provide a report to the Committees on Appropriations on the distribution and use of Internet café sites not later than May 1, 2003.

The conference agreement provides an additional \$12,612,000 above last year's level for tactical operations. The amount provided should allow the FBI to keep pace with the explosion of court-ordered surreptitious entries and the rapid advance in easily obtained security technology and to cope with the new threat of entry into facilities contaminated by biological, chemical, radiological, or other hazardous materials.

The agreement also includes \$18,435,000 as requested for information assurance and \$29,738,000 for the Enterprise Security Operations Center to continue efforts to ensure that sensitive data is more effectively managed. The Security Division is directed to provide an update to the Committee by April 30, 2003 regarding the FBI's internal security efforts. This review should include an update on the use of the new information technology enhancements provided during fiscal year 2002.

The agreement also includes additional resources above the request for intelligence production needs, as well as surveillance and tactical operations.

The conference agreement also includes an increase of \$5,000,000 to ensure the highest integrity language translation program, and to aggressively reduce the backlog of documents that need to be translated. The FBI is directed to work with the Foreign Service Institute regarding language-training needs of the FBI. The conferees believe that the FBI needs to develop more in-house expertise with regard to language translation capabilities. The FBI is also directed to submit a report to the Committees on Appropriations by June 2, 2003 regarding efforts to implement section 323 of Public Law 107-306, development of a civilian linguistic reserve corps.

Legal Attaché Program.—The FBI received funding in Public Law 107-206 to establish additional Legats, update the Legat information infrastructure, and provide additional resources to existing Legats that have realized appreciable workload increases following the September 11<sup>th</sup>, 2001 terrorist attacks. Accompanying report language directed that the FBI submit a review of the Legat program prior to establishing additional Legats. The Committees on Appropriations have yet to receive this report. The FBI is directed to consult with the Committees on Appropriations within 30 days following the enactment of this Act to review the plan to deploy these additional resources.

Quantico Training.—The ongoing FBI restructuring plan revolves around a dramatic change in philosophy, shifting the FBI's focus from investigating crimes to preventing acts of terrorism. This change, coupled with the recruitment of new agents, analysts and other support personnel, has created significant new training requirements. The conferees therefore provide \$10,000,000 above the request for training needs, including support for the newly created College of Analytic Studies at Quantico, and for enhanced training in the fields of cybercrime, counterintelligence and counterterrorism. This additional funding shall also support the establishment of a program to provide senior FBI agents and support staff with the ability to earn advanced degrees in specialized areas that will broaden and enhance their on-the-job effectiveness.

Support.—The conference agreement also provides increases of \$9,333,000 for the Hazardous Materials Response Unit, ~~\$3,272,999~~<sup>(3,272,000)</sup> for the Hazardous Devices School, and \$7,919,000 for Evidence Response Teams.

DNA matching.--The conference agreement includes an increase of \$867,000 for the Federal Convicted Offender Program, which maintains a DNA database of Federal convicts for cross-referencing with crime scene evidence. The conference agreement also includes an increase of \$4,000,000 to maintain or establish four regional

mitochondrial DNA (mtDNA) forensic labs in affiliation with the FBI Laboratory. The labs will analyze mtDNA from human remains or other evidence to assist law enforcement in the identification of missing persons or criminal perpetrators.

Affiliation with the FBI Laboratory ensures that uniform standards and procedures are maintained by all of the participating laboratories doing mtDNA analysis. The conferees note that the four scientists and technicians required to oversee regional labs were funded last year, but the labs themselves were not.

Serial rapists.--The conference agreement includes an increase of \$1,005,000 to expand the Violent Criminal Apprehension Program to include sexual assault cases, which should greatly improve the ability of law enforcement at all levels to identify, capture, and prosecute serial rapists.

Forensic research.--The conference agreement includes an increase of \$8,056,000 over last year to fund the highest priority forensic research proposals submitted to Congress by the FBI Laboratory as part of its fiscal year 2002 spend plan. The FBI shall report back to the Committees on Appropriations on the disposition of these resources not later than May 1, 2003.

Engineering Research Facility.-Last year, Congress funded the construction

of a new annex at the Engineering Research Facility(ERF). Since then, the conferees have become aware that a flaw in the FBI's cost analysis, the failure to include cabling, wiring, and equipment costs, and out-dated pricing data, which failed to capture inflation through the life of the construction project, resulted in an under-estimate of the true cost of the annex. Considering the importance of this facility, the conference agreement includes \$7,945,000 to partially cover the full costs of the ERF annex. The conferees urge the Bureau to complete this project as quickly as is prudent.

Aviation Support Program.—The conference agreement includes an increase of \$18,953,000, including \$13,000,000 for additional aircraft and related equipment. The conferees understand that the FBI is developing a proposal for needs associated with locations in the Northeast, and direct the FBI to submit this proposal in conjunction with a five year aviation master plan that includes: (1) current fleet assets by type, (2) logged flight hours by mission by aircraft/helicopter, (3) projected useful service life remaining by aircraft/helicopter, (4) utilization of current fleet assets, by mission type, for the last five years by year, and (5) basing, by aircraft/helicopter locations. The plan should also discuss the costs and benefits of maintaining versus replacing current fleet assets through 2008, maldeployments or other causes of underutilization of current fleet assets, if applicable, and capabilities

of current fleet assets versus current and projected mission requirements. The report shall be delivered not later than May 1, 2003.

Violent Crime.—The conferees also include an increase of \$5,000,000 for the FBI's continued involvement in the National Integrated Ballistics Information Network, or NIBIN. Funding will support research, development and equipment for these activities. The conference agreement also includes an increase of \$10,000,000 for efforts to combat violent crime. The conferees expect the FBI to bring a national focus to cases that cross jurisdictions, including the activities of criminal alien gangs across the United States.

White Collar Crime.—The conferees include an increase of \$10,000,000 to provide key investigative assets to fight corporate fraud. This increase, along with increases provided elsewhere in this bill for the Securities and Exchange Commission and the U.S. Attorneys, will strengthen the Federal government's capabilities to bring corporate fraudsters to justice, and to protect investors, employees and consumers.

Trafficking.—The conferees support the FBI's continued involvement in the Southeast European Cooperative Initiative, and provide an increase of \$3,000,000 above the request for these purposes. As noted elsewhere in this report, the Justice

Department is directed to submit a report to the Committees on Appropriations regarding efforts to combat sexual trafficking.

Advisory Board.—The conference agreement includes a \$5,000,000 increase and accompanying bill language to establish an Advisory Board. The Advisory Board will be a standing panel of outside experts to advise the FBI Director on matters relating to science, technology, research, engineering, information management, and other matters of special interest to the FBI. The Committees on Appropriations believe that the organizational changes and management reforms being pursued by the current FBI Director would be enhanced by the establishment of a panel of experts who can independently and regularly advise the Director on how the FBI can more effectively exploit and apply science and technology to improve its operations, particularly with respect to information sharing, data mining and the analysis of information and evidence collected during investigations. The efforts of the panel should be focused on the pressing and complex technology challenges facing the FBI, particularly the priorities of preventing terrorist attacks, countering foreign intelligence operations, combating cyber-based attacks, and strengthening the FBI's collaboration with other Federal law enforcement agencies and within the Intelligence Community. The panel will focus exclusively on strategic issues, and on suggesting and assessing organizational strategies for applying technology. Not later

than 60 days after enactment of this legislation, the Director shall report to the Committees on Appropriations regarding progress toward establishing this panel.

The conferees include bill language, similar to that included in previous Appropriations acts, which provides: (1) for purchase of not to exceed 1,576 passenger vehicles, of which 1,085 will be for replacement only, without regard to general purchase price limitations, and the acquisition and operation of aircraft; (2) up to \$70,000 for unforeseen emergencies; (3) up to \$65,000,000 for automated data processing, telecommunications and technical equipment, and up to \$1,000,000 for undercover operations to remain available until September 30, 2004; (4) not less than \$475,300,000 for counterterrorism investigations, foreign counterintelligence, and national security activities; (5) up to \$10,000,000 to reimburse State and local police for assistance related to violent crime, terrorism and drug investigations; (6) up to \$50,000 for official reception and representation expenses; and (7) specifies the number of positions and workyears provided for the Federal Bureau of Investigation. In addition, bill language is included, as carried in prior fiscal years, setting forth certain authorities.

## Foreign Terrorist Tracking Task Force

The conference agreement establishes a separate account for the Foreign Terrorist Tracking Task Force (FTTTF), and includes funding of \$62,000,000, the full amount requested, for additional data collection and data sharing initiatives. The conferees direct the Attorney General to ensure that the efforts of the FTTTF are coordinated with, and not duplicative of, other information technology enhancement initiatives taking place throughout the Department.

The conferees are concerned that there remain disagreements within the Administration on the evidence needed to deny a visa on terrorism grounds. The conferees expect the Administration to develop a comprehensive set of standards by which to review visa applications, and to provide training for consular officers to use in reviewing visa applications. More guidance about this issue is also provided under Title IV of this Act. The conferees strongly support the recommendations contained in GAO's report, *Border Security: Visa Process Should Be Strengthened as an Antiterrorism Tool*, and recommend that the Administration implement its recommendations for strengthening the visa application process.

construction

The conferees include \$1,250,000 for FBI construction.

## Drug Enforcement Administration

### Salaries and Expenses

The conference agreement includes total budget authority of \$1,649,948,000 for the Drug Enforcement Administration (DEA) salaries and expenses account for fiscal year 2003, of which \$89,029,000 is derived from the Diversion Control Fund, resulting in a direct appropriation of \$1,560,919,000.

The following distribution represents the conference agreement. The DEA is reminded that any changes to this distribution are subject to the reprogramming requirements in section 605 of this Act.

**DEA SALARIES AND EXPENSES**  
**[In Thousands of Dollars]**

Activity	<u>POS</u>	<u>FTE</u>	<u>Amount</u>
Enforcement			
Domestic Enforcement	2,225	2,119	\$480,126
Foreign Cooperative Investigations	633	601	207,511
Drug and Chemical Conversions	165	165	19,946
State and Local Task Forces	1,699	1,696	257,082
Subtotal, Criminal, Security and Other Investigations	4,722	4,581	964,665
Investigative Support			
Intelligence	956	973	127,133
Laboratory Services	455	451	60,912
Training	99	98	25,529
Research, Engineering, and Technical Operations	587	586	121,455
Information Technology	126	122	141,305
Subtotal, Law Enforcement Support	2,223	2,230	476,334
Management and Administration	871	853	119,920
Total, Direct Appropriations	7,816	7,664	1,560,919
Division Control Fee Account	660	656	89,029
Total, Budget Authority	8,476	8,320	\$1,649,948

Additional Drug Enforcement Agents.--As noted elsewhere in the conference agreement, the FBI's restructuring plan shifted 567 agents away from drug investigations to focus on fighting terrorism. Therefore, to compensate for this reduction, the conference agreement includes \$15,000,000 above the request to hire an additional 133 agents and support staff. As noted earlier in this agreement, the

conferees note that the Justice Department has yet to submit the plan requested by the Committees on Appropriations regarding the strategy to maintain a strong focus on fighting illegal drug activity. The Justice Department is directed to submit this strategy as expeditiously as possible. The agreement also includes \$7,750,000 in available prior year recoveries for vehicles, bullet proof vests, and other basic equipment essential to agents in the performance of their duties.

Overseas Offices.--The DEA is directed to submit a report to the Committees on Appropriations by May 23, 2003 which provides a workload analysis and right sizing proposal as warranted for each overseas offices to ensure that the most urgent needs are being met with the limited resources available.

Financial Investigations.—The conference agreement includes an increase of \$4,121,000, 27 positions and 14 workyears, to strengthen the DEA's ability to better monitor and track the financial holdings and transactions of drug trafficking organizations, especially with regard to investigating the links between the sale of illegal drugs and terrorist organizations. Toward that end, the conference agreement directs the DEA to use \$25,000,000 in prior year recoveries for activities of the Special Operations Division. The FBI and the DEA shall brief the Committees on

Appropriations on a quarterly basis beginning July 7, 2003 regarding efforts in this area.

Information Infrastructure.—The conference agreement recommends an additional \$6,683,000, 23 positions and 11 FTE to further strengthen DEA's data security infrastructure. The DEA should ensure that these enhancements are consistent with the Department's overall information technology security programs.

Physical Security Measures.—The conference agreement includes a requested increase of \$18,000,000 for additional anti-terrorism security measures at both domestic and foreign locations. As noted earlier in this report, the conferees expect the Justice Department to submit a comprehensive plan to ensure the safety of employees at all installations.

The conferees expect DEA to continue to provide quarterly reports on the investigative workhours and funding, by type, within major source and transit countries, including the Caribbean, delineated by country and function. The DEA shall report to the Committees on Appropriations, by June 1, 2003, providing a trend analysis gleaned from information provided in these reports.

OxyContin.--The Committee on Appropriations continue to be concerned with the availability of legal drugs that are diverted for illegal use, and in particular the prescription drug OxyContin, especially in Virginia, West Virginia and Kentucky. This epidemic is gaining a foothold in other areas of the country. To continue progress toward establishing a nationwide prescription drug monitoring program, the conferees include \$10,000,000 under the Office of Justice Programs (OJP) to continue implementation of the Harold Rogers Prescription Drug Monitoring Program. The conferees expect the DEA to continue to work with OJP on the implementation of this program, and to continue to provide the Committees on Appropriations with regular updates regarding efforts to thwart the illegal diversion of OxyContin and other legal drugs.

Methamphetamines.—The conferees remain concerned with the continuing problem of Ecstasy and methamphetamine use across the United States. The conferees expect the DEA to continue working with OJP and COPS on the implementation of its COPS methamphetamine programs, and to continue participating in the High Intensity Drug Trafficking Areas, particularly those operating in the Midwest, to combat the influx of methamphetamines.

Aviation Support Program.--The conferees direct the DEA to submit a five year aviation master plan that includes: (1) current fleet assets by type, (2) logged flight hours by mission by aircraft/helicopter, (3) projected useful service life remaining by aircraft/helicopter, (4) utilization of current fleet assets, by mission type, for the last five years by year, and (5) basing, by aircraft/helicopter locations. The plan should also discuss the costs and benefits of maintaining versus replacing current fleet assets through 2008, maldeployments or other causes of underutilization of current fleet assets, if applicable, and capabilities of current fleet assets versus current and projected mission requirements. The report shall be delivered not later than May 1, 2003.

Drug Diversion Control Fee Account.--The recommendation includes \$89,029,000 for DEA's Drug Diversion Control Program for fiscal year 2003. The conference agreement assumes that the level of balances in the Fee Account are sufficient to fully support diversion control programs in fiscal year 2003. As was the case in previous fiscal years, no funds are provided in the DEA salaries and expenses appropriation for this account in fiscal year 2003.

To control the diversion, distribution, manufacture and abuse of legitimate pharmaceuticals, DEA annually registers in excess of 900,000 drug handlers, of

which over 1,670 are manufacturers, distributors, importers, exporters, and others handling large volumes of controlled substances. These registrants pay fees, which fully support the cost of this program. The conferees are aware that the DEA is proposing to change its fee structure, and urge the DEA to consult with the Committees on Appropriations regarding these changes.

The conference agreement includes bill language which provides: (1) up to \$70,000 for unforeseen emergencies; (2) for expenses for drug education and training programs; (3) for purchase of passenger vehicles without regard to general purchase price limitations, and acquisition and operation of aircraft; (4) up to \$33,000 for permanent change of status costs; (5) up to \$1,800,000 for research to remain available until expended; (6) up to \$4,000,000 for evidence and information, up to \$10,000,000 for automated data processing and telecommunications, up to \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement parts to remain available until September 30, 2004; and (7) up to \$50,000 for official reception and representation expenses. In addition, language is continued which specifies the number of positions and workyears provided to DEA.

## Construction

The conference agreement includes \$7,250,000 in available prior year recoveries for construction of a new laboratory facility in Miami, Florida.

## Immigration and Naturalization Service

The conference agreement includes total new spending authority of \$6,159,529,000 for the Immigration and Naturalization Service (INS) for fiscal year 2003. This amount includes \$3,848,456,000 in direct appropriations and \$2,311,073,000 in anticipated fee collections. The conference agreement includes funding for border enforcement and immigration services under the Salaries and Expenses account, but does not adopt the Administration's request to establish a Support and Administration account. The conferees are aware that the INS will soon transfer from the Justice Department to the Department of Homeland Security (DHS). Guidance provided below is assumed to apply to any successor organizations of the INS that may be created within the DHS.

### salaries and expenses

Funding provided for the INS Salaries and Expenses account includes a total direct appropriation of \$3,589,819,000 for salaries and expenses, including \$2,880,819,000 for Immigration Enforcement and Border Affairs, and \$709,000,000 for Immigration Services.

## Immigration Enforcement and Border Affairs

The conference agreement includes \$2,880,819,000 for Immigration Enforcement and Border Affairs. This account provides for activities related to border inspections, border patrol, investigations, detention and deportation, and intelligence.

Entry Exit.--The conference agreement includes an increase of \$362,000,000, for the Entry Exit program and related information technology infrastructure upgrades. This funding is available for obligation pending submission of a comprehensive plan from the Secretary of Homeland Security for the Entry Exit program and needed information technology upgrades. The Committees on Appropriations held a series of briefings throughout the fiscal year regarding the planning and progress of the Entry Exit program, but have been disappointed by the lack of senior management involvement and oversight of this program, and by the lack of detail about how funds will be used. The conferees note that the Administration provided a plan for expenditure of funds in January 2003, which largely included funding for construction, and did not provide any detail on the technological solutions that would be employed to implement this program, nor any discussion regarding the involvement of Mexico and Canada and how any infrastructure changes between the U.S. and these countries would be accomplished. The conferees expect the INS to

follow the direction contained in the report accompanying Public Law 107-206 regarding the involvement of the General Accounting Office (GAO) in the development and review of the Entry Exit program. The GAO should review and make recommendations to the INS prior to submission of plans to the Committees on Appropriations. The INS shall report to the Committees on Appropriations on a quarterly basis, beginning April 1, 2003, regarding Entry Exit program development. The conferees expect the INS to ensure full and open competition with regard to procurement actions, and to ensure that any funding proposals for subsequent years include a full analysis of expected operations and maintenance costs. As part of this plan, the conferees encourage the INS to explore biometric alternatives for use in developing more tamper resistant passports and INS re-entry documents. The conferees also direct the DHS to submit a report not later than July 1, 2003, to the Committees on Appropriations identifying the number of green cards currently used with no expiration date or security features, the original date the cards were issued, as well as a proposed plan to replace these older green cards, if necessary.

Passenger and Crew Manifests.--One of the primary goals of the Entry Exit Program is to improve the collection, analysis and dissemination of information on passengers and crews at ports-of-entry, including the verification of traveler identity and access to data relevant to the determination of the excludability of the traveler. Such

information is critical to the development of threat assessments. The INS' current paper-based system and stove-piped databases limit its ability to produce and coordinate such information with other agencies responsible for collecting this and similar critical information. The Congress enacted Public Law 107-295 directing the Transportation Security Administration (TSA) to develop and establish a Maritime Intelligence System (MIS), as defined in section 70113 of the Maritime Transportation Security Act of 2002 to address this very problem. The MIS system is intended to integrate and analyze collected data on passenger and crew manifests and any other relevant information that could be construed as potential threats against the United States. In order for this system to work, INS and other agencies that collect data on passengers and crew manifests must cooperate fully. Therefore, the conference agreement directs the INS to transfer \$25,000,000 to the TSA as a reimbursement for its MIS activities and requirements. The conferees expect MIS to include the data collected through the Container Security Initiative (CSI) program and other passenger, crew and cargo information collection systems. The conferees understand that the CSI program will enable the collection of additional shipping data through enhanced cooperative relationships between the U.S. Customs Service and foreign customs services.

Border Patrol Agents.--The conference agreement includes an increase of \$57,207,000, 570 positions and 285 FTE for new Border Patrol Agents, bringing the number of Border Patrol Agents to 11,000. The conferees expect the INS to submit a deployment plan to the Committees on Appropriations for the new agents provided, and to ensure that this plan is coordinated with construction projects and ongoing Entry Exit program planning. The INS should continue to provide the Committees on Appropriations with quarterly status reports on border patrol hiring, with the first such report due no later than April 1, 2003.

Immigration Inspectors.—The conference agreement includes an increase of \$25,500,000 to hire an additional 460 land border ports of entry inspectors. These inspectors shall be deployed along both the Northern and Southern borders. The conferees are concerned with staffing levels at the Ambassador Bridge/Detroit Tunnel, the Santa Teresa and Columbus ports of entry in New Mexico, and urge the INS to ensure that staffing levels are sufficient at these important ports of entry.

Pay Upgrades.—In response to concerns raised regarding a high rate of attrition of Border Patrol Agents and Immigration Inspectors, the Committees on Appropriations provided emergency supplemental funding in Public Law 107-206 for pay upgrades. The conference agreement continues this direction by including an increase of

\$58,550,000 for pay upgrades for Border Patrol Agents and Immigration Inspectors. The conferees note that this was not in the Administration's request. The conferees direct the Administration to submit a legislative proposal to the Congress with the FY 2004 budget that establishes a comprehensive, equitable program to compensate Federal law enforcement.

Interior Enforcement.—The conferees include an increase of \$10,000,000 for interior enforcement needs. This increase will provide the INS with additional staff to investigate and deport the more than 300,000 alien fugitives who have been ordered removed or deported from the U.S. but have failed to comply with those orders. The conferees are aware of a growing number of illegal aliens in Bettendorf and Davenport, Iowa; Moline and Rock Island, Illinois; and the Roanoke area in the upper Shenandoah Valley, and direct the INS to review staffing levels in these areas.

Joint Terrorism Task Forces.—The conference agreement continues to support the concept of Joint Terrorism Task Forces (JTTFs), and therefore includes an increase of \$6,000,000, 59 positions and 30 FTE for INS participation in JTTFs. This funding complements funding provided to the FBI and other Department of Justice components for these multi-agency law enforcement activities.

Interior Checkpoints.—Bill language is retained prohibiting funds for the site acquisition, design, or construction of any permanent Border Patrol checkpoint in the Tucson sector. The INS is reminded that it must not operate a checkpoint at the same location for seven consecutive days during a 14-day period in the Tucson Sector. The conferees direct INS to submit a report to the Committees on Appropriations by June 27, 2003, regarding the checkpoint program. This report should include a list of all checkpoints, when they were established, a profile of all resources associated with each checkpoint, as well as current and historical statistics. This review should discuss the checkpoint program, and how it complements the overall border security enforcement strategy in recognition of urgent homeland security issues. The conferees direct the Tucson Sector to continue negotiations regarding the relocation of Tucson Sector helicopter operations to Sierra Vista, Arizona.

Border Patrol Equipment.--Of the amounts provided for Border Patrol equipment, the Border Patrol is directed to provide no less than \$5,000,000 to procure lightweight handheld thermal imagers for Border Patrol field use and operations. The conferees support the continuation of ISIS and RVIS, and direct the INS to submit a report to the Committees on Appropriations by July 7, 2003, regarding the status of these initiatives, particularly in light of the deployment issues that have arisen on the Northern Border because of the differences in climate and terrain. The conference

agreement also includes \$40,000,000 for vehicles. The conferees note that base funding is provided for every on board agent, and funding for each new agent hired includes funds to purchase new vehicles. The conferees urge the INS to ensure that funds provided for vehicles and other basic agent needs are spent as provided by the Congress, and not diverted for other uses.

Injured Illegal Aliens.--The conferees believe hospitals in Cochise, Pima, Santa Cruz and Yuma Counties, Arizona are bearing an unfair burden as a result of illegal immigrants injured as a result of interaction with the Border Patrol, and therefore direct the INS to provide such sums as necessary to reimburse hospitals in these counties, as authorized by sections 562 and 563 of the Illegal Immigration and Immigrant Responsibility Act of 1996, as amended. The conferees believe that this one-time funding infusion is appropriate until a nation-wide solution is developed in fiscal year 2003. This funding is only available to the extent that these costs are not otherwise reimbursed through other Federal programs or cannot be recovered from the alien or another person. The conferees direct the INS, in coordination with the Department of Health and Human Services, to provide a report by July 1, 2003 to the Committees on Appropriations with recommendations to address this issue.

Trafficking.—To continue efforts to combat the illegal trafficking into this country of some 50,000 women and children every year, the conference agreement includes an increase of \$3,662,000 for costs associated with effectively implementing provisions of the Victims of Trafficking and Violence Protection Act. The conferees continue to be supportive of the INS' Violence Against Women Act Processing Unit which is responsible for the adjudication of immigration cases filed by victims of violence including battered immigrants, trafficking victims and other immigrant victims of crime. The conferees encourage the Administration to ensure that sufficient funding is available for the Unit to continue to adjudicate and process immigration cases.

Alternatives to Detention.--The conference agreement includes \$3,000,000 for alternatives to detention to promote community-based programs for supervised release from detention such as the Vera Institute for Justice's Appearance Assistance Project or other similar programs. These funds shall not be available for new or existing detention facilities, including non-secure detention and/or shelter care detention facilities.

Legal Orientation.--The conference agreement also includes \$1,000,000 for non-governmental agencies to provide "live presentations" to persons in INS detention

prior to their first hearing before an immigration judge. These presentations will provide immigration detainees with essential information about immigration court procedures and the availability of legal remedies to assist detainees in distinguishing between meritorious cases and frivolous cases.

Criminal Aliens.--The conferees understand that the INS has an ongoing program to identify and deport criminal aliens in local and county jails, pursuant to Public Law 105-141, which requires the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States. The conferees expect that within existing resources provided for detention and removal of aliens, the INS will continue to support this program, and increase resources as warranted for these activities. A recent Inspector General audit noted a number of problems in the INS' Institutional Removal Program, including the fact that INS has failed to identify all deportable criminal aliens, including aggravated felons. The conferees support the recommendations provided in the audit, and urge the INS to adopt them as expeditiously as possible. Similarly, the conferees have provided funding for the High Intensity Criminal Alien Apprehension and Prosecution program to use automated fingerprint technology to improve the identification, apprehension, and prosecution of previously deported criminal aliens in L.A. County. The conferees direct INS to allocate sufficient staff,

if warranted, to the Los Angeles office, in order to enter the fingerprint records of all deportable criminal aliens incarcerated in prisons and jails into the CAL-ID database in a timely fashion.

## Immigration Services

The conference agreement includes \$709,000,000 for Immigration Services.

Eliminating the Backlog of Immigration Applications.--The June 2002 Backlog Elimination Plan states that the INS will reach a national average processing time of six months or less for all applications by the end of fiscal year 2003, and will achieve a processing time standard of six months or less at every office by the end of fiscal year 2004. From 1993 to 2000, more than 6,900,000 legal immigrants have applied for citizenship, more than in the previous 40 years combined. The Committees on Appropriations have provided more than \$430,000,000 in appropriations to the INS over the last six years to address the backlog of applications and to improve the integrity of the naturalization process; this funding is in addition to the more than \$4,500,000,000 in fees that the INS has collected to process applications. The INS estimates that it will process about 9,400,000 applications in fiscal year 2003. The conferees look forward to receiving quarterly updates from the INS regarding efforts to achieve these new standards. The conferees expect that if the INS realigns existing staff to better address workload issues, that any shift in employees will be subject to reprogramming requirements in this Act.

The conferees continue to hear from Members of Congress and their constituents with concerns about the lack of attentiveness to requests for better service with regard to the processing of immigration applications. The conferees receive many requests for additional resources in the nearest INS office or for the opening of new INS offices to deal with backlogs. The conferees again urge the INS to review staffing levels throughout the country to ensure that resources are deployed to match work requirements. The conferees expect the INS to direct special emphasis toward backlog reduction problems in Northern Virginia; New York, New York; the Bronx, New York; the state of Iowa; Northern New Jersey; Florida; Arizona; and Michigan. The conferees also urge the INS to make every effort to acquire space in Portland, Oregon's Central Business District for its District Office.

Inadmissible Aliens.--The conferees direct the INS to remain vigilant with regard to enforcing section 212 of the Immigration and Nationality Act of 1952, as amended. This section pertains to the general classes of aliens ineligible to receive visas. The conferees are particularly concerned with people who are granted entrance into the United States who may have been foreign intelligence operatives against the United States; who have been or are involved in trafficking in persons; or who are foreign government officials who have engaged in particularly severe violations of human rights or religious freedom. The INS, in cooperation with the State Department's

Bureau of Consular Affairs, is directed to submit a report no later than June 27, 2003, describing efforts to enforce the provisions of Section 212. The conferees continue to urge the Secretary of State and the Attorney General to deny immigrant or non-immigrant visas to any citizens of the People's Republic of China whom they determine participates in or otherwise supports organ harvesting.